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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/635,330 | 08/09/2000 | Luis Eduardo Gutierrez-Sheris | Unisphere-13/2 | 5198 |

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EXAMINER

KARMIS, STEFANOS

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3624

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/635,330

Applicant(s)

GUTIERREZ-SHERIS, LUIS
EDUARDO

Examiner

Stefano Karmis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/9/2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. This application has been reviewed. Original claims 1-17 are pending. The objections and rejections are as stated below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoutenburg et al. (hereinafter Stoutenburg) U.S. Patent 6,488,203 in view of Ladd et al. (hereinafter Ladd) U.S. Patent 6,470,317).

Claims 1, 8 and 14, Stoutenburg teaches a method of performing a send money transfer transaction from a sender to a recipient through a financial services institution. The transaction

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details include a desired amount of money to be sent and a code is established corresponding to the transaction details. The code is entered into an electronic transaction fulfillment device in communication with a database to retrieve the details and determine a collect amount based on the details (column 2, lines 20-30).

“The system includes one or more transaction set-up or staging devices, such as a telephone, a personal computer, and/or a kiosk. The personal computer has an alpha-numeric keypad, a central processing unit and a display device such as a monitor. The kiosk is an unattended electronic device capable of receiving input and displaying information. For example, the kiosk may be an automated teller machine or ATM” (column 3, lines 27-34).

Claims 2 and 9, Stoutenburg teaches, when a customer interacts with the financial service, by providing user information, the financial service in turn generates a code and provides the code to the customer in order to be used for the electronic transaction fulfillment (column 2, lines 15-42).

Claims 3 and 10, the codes are established for use by the sender during the send transaction. The code is stored on the database such that the code is useable to identify the send transaction on the database; the code is then entered in to an electronic transaction fulfillment device in communication with database to retrieve the transaction details so that the recipient can utilize that specific transaction fulfillment device to obtain the desired payment (column 9, lines 5-19).

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Claims 4 and 11, transmitting said unique device code includes transmitting a distributor identification to a financial service (column 8, lines 29-43).

Claims 7 and 17, Stoutenburg teaches, if the kiosk or ATMs or other transaction staging device is provided with the card dispenser, the kiosk may be used to encode and dispense a card with the SCC and/or the transaction amount printed or otherwise encoded, such as magnetically or electronically, thereon. As yet another example, a source of cards having different SCC's pre-printed or otherwise encoded thereon, may also be disposed proximate the kiosk. During the transaction staging process, one of the cards may be selected by the sender and swiped across or otherwise entered into the card reader of the kiosk so that the host computer can correlate the particular SCC with the transaction details entered by the sender. The host computer may then provide the transaction amount to the sender (column 5, lines 21-38).

Stoutenburg fails to teach the specifics of using a public switched telephone network (PSTN) for transmitting code information and sending an automatic number identification (ANI) signal to the financial service.

Ladd teaches a markup language document stored on a computer-readable medium to provide interactive services and methods thereof including billing through the use of a telephone.

Claims, 5, 12 and 15, Ladd teaches, when a user dials into the electronic network from the communication device, the carrier network routes the incoming call from the PSTN to the communication node over one or more telephone lines or trunks (column 6, lines 3-7).

When a user accesses the electronic network from a communication device registered with the system (i.e., a user's home phone, work phone, cellular phone, etc.), the communication node can by-pass a user screening option and automatically identify the user (or the type of the user's communication device) through the use of automatic number identification (ANI) or caller line identification (column 6, lines 37-44).

Claims 6, 13 and 16, after the electronic network answers the incoming calls at block, the electronic network can attempt to verify that the user is a subscriber of the system and/or the type of network access apparatus the user is calling from. For example, the system may read and decode the automatic number identification (ANI) or caller line identification (CLI) of the call and then determine whether the CLI of the call is found in a stored ANI or CLI list of subscribers (column 4, lines 7-15).

Ladd's teachings further define Stoutenburg's method of send transactions involving a telephone including the type of network and identification as well as authentication procedures. It would have been obvious to anyone of ordinary skill in the art that the teaching of Stoutenburg can be further defined by the teaching of Ladd to allow for money transfers and authentication from a telephone as is standard practice in the art.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Benton et al. US Patent 4,960,981 Oct. 2, 1990. Method of and system for electronic funds transfer via a facsimile machines.

b) Jennings et al. US Patent 5,825,003 Oct. 20, 1998. Customer-directed, automated process for transferring funds between accounts using a holding account and local processing.

c) Konya US Patent 5,937,396 Aug. 10, 1999. System for ATM/ATM transfers.

d) Downing et al. US Patent 5,963,647 Oct. 5, 1999. Method and system for transferring funds from an account to an individual.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Respectfully Submitted
Stefano Karmis
January 24, 2003



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600